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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.  |
|---|-------------|----------------------|---------------------|-------------------|
| 10/519,908  | 07/05/2005  | Harald Koellner      | 11334/005           | 2920              |
| 27879   | 7590        | 10/07/2008           | EXAMINER            |                   |
| INDIANAPOLIS OFFICE 27879<br>BRINKS HOFER GILSON & LIONE<br>ONE INDIANA SQUARE, SUITE 1600<br>INDIANAPOLIS, IN 46204-2033 |             |                      |                     | KELLER, MICHAEL J |
| 3634  |             | ART UNIT             |                     | PAPER NUMBER      |
| 10/07/2008  |             | MAIL DATE            |                     | DELIVERY MODE     |
|   |             |                      |                     | PAPER             |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/519,908             | KOELLNER ET AL.     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Michael J. Keller      | 3634                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 July 2008.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 14-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

1. In Applicant's amendment dated 07/07/2008, claims 14, 22 and 23 have been amended, and new claims 26 and 27 have been added.

### ***Claim Rejections - 35 USC § 103***

2. **Claims 14-20 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Klitzsch et al. (DE 4240030).**

3. Regarding **claim 14**, Samways et al. discloses a deflection roller installation for fastening a deflection roller for a cable of a drive mechanism of a motor vehicle windowpane, comprising a window-lifting rail (6, Fig. 5) for guiding the windowpane, the rail having an outward formation (15) for receiving the deflection roller (71), the outward formation including a recess, and a module support (1) coupled to the window-lifting rail and coupled to a portion of a vehicle door (2), the module support including a peg (16) received within the recess of the outward formation. Samways et al. does not disclose the outward formation being formed integrally unitary with the rail or the peg being formed integrally unitary with the module support.

Klitsch et al. discloses a deflection roller installation for fastening a deflection roller (18) for a cable of a drive mechanism of a motor vehicle windowpane, comprising a window-lifting rail (10) for guiding the windowpane, the rail having an outward formation (16) for receiving the deflection roller; wherein the outward formation is formed integrally unitary with the rail.

It would have been obvious to one of ordinary skill in the art at the time of the invention to form the outward formation of Samways et al. integrally unitary with the window-lifting rail as in Klitzsch et al. in order to avoid the machining processes which would be required to manufacture the outward formation of Samways et al.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have molded the peg integrally unitary with the module support, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Doing so would have simplified installation by reducing the number of parts to be assembled.

Regarding **claim 15**, Klitsch et al. discloses that the outward formation comprises a push-through of the window-lifting rail (see abstract).

Regarding **claims 16-19**, the outward formation of Samways et al. consists essentially of a circularly cylindrical formation; wherein an end-face of the outward formation distant from the window-lifting rail comprises an opening (see Fig. 5); wherein the end-face of the outward formation distant from the window-lifting rail comprises a widening for engaging behind and axially fixing the deflection roller (see Fig. 5); further comprising a fastening element (15) axially fixing the outward formation on the peg.

Regarding **claim 20**, while Samways et al. does not specifically disclose the thickness of the metal used to produce the window-lifting rail, it would have been obvious to one of ordinary skill in the art at the time of the invention, to manufacture the window-lifting rail from 0.9-1.5 mm thick sheet metal since the thickness would have

been a design choice, and the window-lifting rail in Samways et al. would have functioned equally as well at such a thickness.

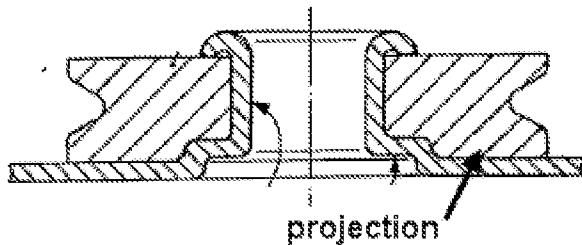
Regarding **claim 23**, the combination of Samways et al. and Klitsch et al. discloses a deflection roller installation as set forth above. The steps recited in claim 23 would have necessarily been performed while manufacturing the above described apparatus.

Regarding **claim 24**, the widening of the outward formation of Klitsch et al. is formed by flanging as shown in Fig 9.

Regarding **claim 25**, a fastening element 17 (Fig. 5) has been used to form a widening at the end of the outward formation of Samways et al.

Regarding **claim 26**, the combination of Samways et al. and Klitsch et al. discloses a deflection roller installation as set forth above.

Regarding **claim 27**, the deflection roller of Klitsch et al. comprises a projection as shown below which grazes the window lifting rail.



4. **Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Klitzsch et al. (DE 4240030) and further in view of Smith (U.S. Patent 5,970,658).** The combination of Samways et al. and Klitsch et al. discloses a deflection roller installation as set forth above, but does not

disclose the rail being formed of steel or aluminum. Smith discloses a window regulator mechanism wherein the guide rail is formed of steel or aluminum (Col. 3 Lines 39-41). It would have been obvious to one of ordinary skill in the art at the time of the invention, to form the window-lifting rail of steel or aluminum as disclosed in Smith, in order to provide sufficient strength to the rail while using well-known and available materials.

5. **Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Klitzsch et al. (DE 4240030) and Smith (U.S. Patent 5,970,658) and further in view of Favrel et al. (U.S. Patent 4,573,286).** Samways et al. Klitsch et al. and Smith do not disclose the deflection roller being formed of POM. Favrel et al. discloses a closure on a vehicle utilizing rollers which are manufactured of POM (Col. 4 Lines 46-48; DELRIN® is a trademark under which POM is sold). It would have been obvious to one of ordinary skill in the art at the time of the invention, to form the roller of POM as disclosed in Favrel et al., in order to use well-known and available materials to reduce the weight of the rollers, with no unexpected results.

***Response to Arguments***

6. Applicant's arguments filed 07/07/2008 have been fully considered but they are not persuasive.

7. In response to Aplicant's arguments regarding claim 14, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). An outward

formation integrally unitary with a rail is not disclosed by Samways et al., but is clearly shown in Klitsch et al. While the peg and module support of Samways et al. are not disclosed as being integrally unitary, it would have been obvious to make them so, as set forth in the rejection above.

8. Applicant's arguments regarding claim 23 are moot in view of the new grounds of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Friday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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